

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

OSCAR MARTINEZ AGUILAR, #778583      §

VS.      §

CIVIL ACTION NO. 6:14cv485

JOHN A. RUPERT, ET AL.      §

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore directly assigned to United States Magistrate Judge K. Nicole Mitchell. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

**ORDERED** that the Report and Recommendation (doc. #13) is **ADOPTED**. It is further

**ORDERED** that the claims against Warden John A. Rupert and Medical Coordinator Pam Pace are **DISMISSED** without prejudice pursuant to Fed. R. Civ. P. 41(a)(1) and the claims against Sgt. Robert Scott are **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). All motions not previously ruled on are **DENIED**.

**It is SO ORDERED.**

**SIGNED this 9th day of February, 2015.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE